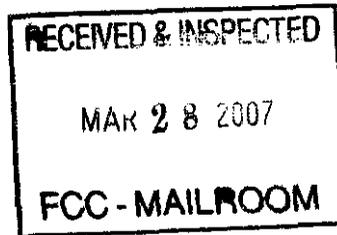


March 26, 2007



ThomasCommunications
& Technologies LLC

The Thomas Group
217 Montgomery Street, Suite 610
Syracuse, New York 13202
Phone (315) 426 - 8445
Fax (315) 426 - 8348
jan@TheThomosGroup.com

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

DOCKET FILE COPY ORIGINAL

Request for Review
Of Denial of Funding by Schools and Libraries Division of the
Universal Service Administrative Company for
Broome-Tioga BOCES
Billed Entity Number 124758

CC Docket No. 02-6 and 96-45

To Whom It May Concern:

On behalf of the Broome-Tioga BOCES (BT BOCES), Thomas Communications & Technologies, LLC (TCT) hereby appeals the funding denial decision for 471 Application 456766 Funding Request Number (FRN) 1254193.

USAC denied funding for this FRN due to a perceived lack of authorization from Hancock Central School District to be included on BT BOCES' E-rate consortium applications. The Administrator's Decisions on Appeal-Funding Year 2005-2006 for this FRN dated January 24, 2007 stated,

FRN 1254193 is listed on the Form 471 as being site specific to entity 124711, Hancock Central School District. This is an entity for which the Letter of Agency (LOA) that was provided did not include a timeframe. You provided additional documentation and the issue was brought to USAC's attention. The determination was that the documentation provided did not demonstrate that Hancock Central School District was aware of the current year consortium application... You failed to provide evidence of your authority to file FCC Forms 471 on behalf of, or evidence of, the membership of all members included in this consortium. (Appendix A)

On February 10, 2006 TCT spoke with a Schools & Libraries Division (SLD) reviewer, and he acknowledged that the documentation provided on February 1, 2006 was sufficient to establish authorization from the district. He requested that we identify the line items associated with the particular services provided under several FRNs. This conversation was summarized in an initial request to TCT on February 10, 2006 and then again in a second request to TCT on February 21, 2006. (Appendix B). Since the information provided to the SLD during PIA/Consortium review was deemed sufficient, TCT did not continue to provide

the
Thomas
A TETRA TECH COMPANY
group

No. of Copies rec'd
List ABCDE

A handwritten signature in black ink, appearing to be "D".

www.tc-t.com

additional documentation. TCT was not aware that the SLD had reversed its opinion on the provided documentation until the Administrator's Decision on Appeal was received. At this time TCT would like to present the following information in order to verify that BT BOCES was authorized to include Hancock Central School District on the BOCES' E-rate application, and that Hancock Central School District was aware that the district would be included on the BT BOCES' E-rate applications.

Several BOCES and many of their component districts within the Southern Tier of New York have formed the Telecom 5 Educational Network. Telecom 5 is "a technical effort to establish and operate an integrated regional telecommunications network of video, voice, and data to accommodate access within the region, state, and the world." (Telecom 5 Brochure- See Appendix C for full brochure). BT BOCES' Standard Services Guide lists the Participating Districts. (Appendix D) Participating districts have a variety of services available to them, and any shared services through Telecom 5 are included on BT BOCES' E-rate applications. (Appendix D). Thus participating districts are aware that shared services through Telecom 5/BT BOCES are included on the E-rate applications submitted by BT BOCES.

In addition to the general awareness and authorization of all members of Telecom 5, BT BOCES collects specific authorization from each participating district every year. On October 12, 2004 Mr. Stephen J. Smith Sr., Telecom 5 Project Coordinator, Broome-Tioga BOCES requested an authorization letter from participating districts. A sample E-rate Letter of Agency for the year 2005-2006 was attached to the request. (Appendix E) Mr. Smith requested a reply by October 20, 2004. On October 19, 2004 Mr. Terrance P. Dougherty, Superintendent, Hancock Central School District replied to Mr. Smith's request for authorization. (Appendix F)

Unfortunately, the district copied the entire sample letter exactly, but left off the timeframe. (Appendix G) USAC has stated that this letter is not acceptable since it does not include a timeframe. While the letter submitted by Mr. Dougherty does not include the line from the sample with the timeframe, it clearly authorizes Mr. Smith/BT BOCES to include Hancock Central School District on BT BOCES' E-rate applications, and it is clearly dated prior to the certification of the Form 471. Therefore it is our belief that this letter is in compliance with FCC guidelines requiring entities to be authorized to submit FCC Form 471 (47 C.F.R. 54.50 (c)(1)), and we request that the FCC approve our appeal.

However, if the FCC disagrees with our assessment, we request a waiver. The circumstances (participation in Telecom 5, authorization letter returned in response to Mr. Smith's request, "acceptable" authorization letter completed year after year, etc.) leave little room to doubt that Hancock Central School District was fully aware of its inclusion on the BT BOCES E-rate applications, and that Hancock Central School District had fully intended to authorize this inclusion for Funding Year 2005 with their letter. Instead the purported error made by BT BOCES and Hancock Central School District is clerical in nature. Neither BT BOCES nor Hancock Central School District intended to disregard the FCC's guidelines or abuse the E-rate program. Therefore if the letter is found to be deficient please grant a waiver to allow this FRN to

Federal Communications Commission
Office of the Secretary
March 26, 2007
Page 3

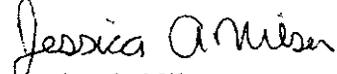
ThomasCommunications
& Technologier LLC

be funded

Thank you for your time and your consideration of this matter.

Sincerely,

THOMAS COMMUNICATIONS & TECHNOLOGIES, LLC



Jessica A. Nilsen

E-rate Production Manager

Enclosure

Appendix A
Administrator's Decision on Appeal-
Funding Year 2005-2006



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal –Funding Year 2005-2006

January 24,2007

Jessica A. Nilsen
Thomas Communications & Technologies, LLC
217 Montgomery Street, Suite 610
Syracuse, **NY** 13202



Re: Applicant Name: BROOME-TIOGA BOCES
Billed Entity Number: 124758
Form 471 Application Number: 456766
Funding Request Number(s): 1254193
Your Correspondence Dated: June 05,2006

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2005 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of **this** letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). **If** your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1254193
Decision on Appeal: **Denied**
Explanation:

- The documentation provided by the applicant and the consortium review were examined during the review of the appeal. FRN 1254193 is listed on the Form 471 as being site specific to billed entity number 124711, for Hancock Central School District. This is an entity for which the Letter of Agency (LOA) that was provided did not include a timeframe. You provided additional documentation and the issue was brought to USAC's attention. The determination was that the documentation provided did not demonstrate that Hancock Central was aware of the current year consortium application. Therefore, all dollars associated with this entity were to be removed from funding. Therefore, the funding request was denied. You have not provided any information with your appeal letter that demonstrates that USAC was incorrect in the original determination. Consequently, that appeal is denied.

- You failed to provide evidence of your authority to file FCC Forms 471 on behalf of, or evidence of, the membership of all the members included in this consortium. FCC rules require that the Form 471 shall be signed by the person authorized to order telecommunications and other supported services for the eligible schools or libraries or the consortium. The Form 471 shall include that person's various certifications under oath, submitted on behalf of eligible entities applying for discounts. 47 C.F.R. § 54.504 (c)(1). During the course of the application review, the SLD may seek documentation to confirm the consortium leader's authorization to represent all entities in the application, proof of each entity's membership in the consortium and their knowledge of filing of the applicable Form (s) 471 on their behalf. **See** Instructions for Completing the Schools and Libraries Universal Service ,Services Ordered and Certification Form (FCC Form 471), OMB 3060-0806 (October **2002**) at Item 33.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. **For** appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. **Your** appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

cc: Jessica A. Nilsen

Appendix B
PIA Correspondence



80 South Jefferson Road
Whippany, New Jersey 07981
Fax: 973-599-6576

Universal Service Administrative Company
Schools & Libraries

Original Request 02/11/06

FAX TRANSMISSION COVER SHEET

To: Jessica A Nilsen
 Fax: 13154268348
 Subject: SECOND REQUEST - Clarification of Services Purchased - BEN 124758-
 From: SelectiveTeam
 Date: February 21, 2006
 Time: 9:05:12 AM

YOU SHOULD RECEIVE 3 PAGE(S), INCLUDING THIS COVER SHEET. IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL THE CONTACT SPECIFIED BELOW.

Jessica,

You were recently sent a written request for additional information needed by the Consortium Review team to review your FY2005 Form 471 Applications to ensure that they are in compliance with the rules of the federal universal service program. We requested that the information be provided within seven calendar days. To date, none of the requested information has been received. The information needed to complete the review is listed below.

This e-mail is to confirm our conversation discussing your response to my previous request for funding year authorization for Harpursville, Tioga, Otego-Unadilla (Unatego), Hancock, Edmeston and Stamford. The documentation you provided was very helpful. I see where the funding years is indicated and we clarified where the Distance Learning and Local/LD service was covered

1 Please advise where on the invoices/services confirmation the following services are included:

Privilege and Confidentiality Notice

The information in this telecopy is intended for the named recipients only. It may contain information that is privileged, confidential or otherwise Protected from disclosure. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this telecopied material is strictly prohibited. If you have received this telecopy in error, please notify us by telephone immediately and mail the original to us at the above address. Thank you.

- Harpursville & 1346754 (Gig-E) · App 456011 FRN 1292932 (Fiber Leas), FRNs 1292944
- Tioga (Gig-E) - App 456011 FRN 1292932 (Fiber Leas), FRN 1346754
- Otego-Unadilla - App 457021 FRN 1255056(T-1) ✓
- Otego-Unadilla - App 457046 FRN 1255345(T-1 & DS-1) ✓
- Hancock - App 456766 FRN 1254193 (T-1) ✓
- Edmeston - App 457046 FRN 1255194(T-1) ✓

2. Please verify where on the invoices/services confirmation the ISP-150Mb Internet Access is included. FRN 1292917

Please *fax* or e-mail the requested information to my attention. If you have any *questions* please feel free to contact me.

It is *important* that we receive all of the information requested so the Consortium Review team can complete *its* review. **Failure to do so may result in a reduction or denial of funding.**

You are being given an additional seven calendar days to respond. If we do not receive the requested information within seven calendar days, your application will be reviewed using the information currently on file. If you need additional time to prepare your response, please let me know as soon as possible.

Should you wish to cancel the applications, or any *of* your individual funding requests, please clearly indicate in your response that it is your intention to cancel an application or funding request(s); along with the application number and/or funding request number(s), and the complete name, title and signature *of* the authorized individual.

A copy *of* this correspondence is being **forwarded** to your State E-Rate Coordinator for **informational** purposes only.

Thank you for your cooperation and continued support of the Universal Service Program

Sincerely,

Harold W. Kestenbaum

Schools and Libraries Division - Consortium Review

Phone: 973-581-6752 FAX: 973-599-6576

E-mail: HKESTEN@sl.universalservice.org

General Web Site: <http://www.sl.universalservice.org>

Appendix C
Telecom 5 Brochure

How is the TELECOM 5 Educational Network Funded?

Funds to support this project are provided by the member school districts of the regions represented. Additional funds are supplied from educational and other organizations that wish to support regional programs.

For more information contact

Any of the Committee Members
Or
Broome-Tioga BOCES
435 Glenwood Road
Binghamton, NY 13905
(607) 766-3738



STEERING COMMITTEE MEMBERS

TEACHER REPRESENTATIVES

Chris Ruf cruf@cwcsd.stier.org
Bonnie Nobiling bnobiling@oneontacsdsd.org
Rene Carver rcarver@mail.sctbooces.org
Gary Scott gscott@bgcsd.org

ADMINISTRATIVE REPRESENTATIVES

Ben Berliner Berliner@dmcom.net
Betty Briggs bbriggs@acs.stier.org
Joseph Stoner jstoner@me.stier.org
William Congdon wcongdon@mail.sctbooces.org

REGIONAL REPRESENTATIVES

Michael Lynch mlynch@neany.org
Nick Bennett nick_bennett@wskg.pbs.org
Brian Laud blaud@nyswtmail.org

BOCES REPRESENTATIVES

Rod Sutton sutton@demoboces.com
Dawn Shannon dshannon@btbooces.org
David Rutherford drutherford@mail.oncboces.org
Steve Manning
Chairperson smanning@mail.sctbooces.org

TELECOM 5 PROJECT MANAGER

Steve Smith ssmith@btbooces.org

TELECOM



... a regional
telecommunications
system that will improve
and enhance educational
services in the Southern Tier
region.

Web site: www.btbooces.org/center/telecom5

What is the TELECOM 5 Educational Network?

It's a technical effort to establish and operate an integrated regional telecommunications network of video, voice, and data to accommodate access within the region, state, and the world:

- VIDEO
 - Distance Learning Programs
 - Staff Development Programs
- VOICE
 - Shared Telephone Systems
- DATA
 - Local Area Networks
 - Wide Area Networks

It's a regional cooperative effort to provide a broader range of educational services and programs to students and educators. The TELECOM 5 Steering Committee coordinates these activities by:

◆ TELECOM 5 Steering Committee

- Serving as a clearinghouse to share information, ideas, expertise and resources
- Operating regional distance learning and staff development programs
- Supporting and assisting distance learning clusters and BOCES projects
- Coordinating activities to share programs and resources across the region
- Communicating the programs, services and standards to participants to increase utilization

What is the TELECOM 5 Educational Network Steering Committee?

The TELECOM 5 Steering Committee provides advice and assistance to the initiative by discussing all activities, plans and issues relating to the initiative. The committee meet on a regular basis approximately four times per year. Meetings are normally held in the Broome-Tioga region in Binghamton.

+Membership

TELECOM 5 Steering Committee membership will include:

- One representative from each of the four BOCES selected by the district superintendent
- One Teacher representative from a component school district in each of the four BOCES (selected by NYSUT and/or NEA/NY)
- One administrative representative from a component school district in each of the four BOCES selected by the district superintendent
- One representative from WSKG
- The Project Manager
- One non-voting member from each union (NEA/NY and NYSUT)

Membership term is for one year, but it is encouraged that not all members change each year in order to assure continuity.

◆ Responsibility of Members

Members will be asked to represent their constituency and provide an effective communication link from their constituency to the Steering Committee and from the Steering Committee back to their constituency. Committee members should attend meetings on a regular basis.

It is important that those considering membership realize that they will need enough free time in order to attend Steering Committee Meetings.

Who does the TELECOM 5 Educational Network Serve?

It is intended to serve the following 57 school districts, plus libraries and other educational agencies:

◆ Broome-Tioga BOCES

Binghamton	Owego-Apalachin
Chenango Forks	Susquehanna Valley
Chenango Valley	Tioga
Deposit	Union-Endicott
Harpurville	Vestal
Johnson City	Whitney Point
Maine-Endwell	Windsor
Newark Valley	

◆ Delaware-Chenango BOCES

Afton	Nonwich
Bainbridge-Guilford	Otselic Valley
Delhi	Oxford
Downsville	Sherburne-Earville
Franklin	Sidney
Gilbertsville-Mt. Upton	Unadilla Valley
Greene	Unatego
Hancock	Walton

◆ Otsego-Northern Catskills BOCES

Andes	Millfort
Charlotte Valley	Morris
Cherry Valley-Springfield	Oneonta
Cooperstown	Roxbury
Edmeston	Schenevus
Gilboa-Conesville	South Kortright
Hunter-Tannersville	Stamford
Jefferson	Windham-Ashland-Jewett
Laurens	Worcester
Margaretville	

◆ Schuyler-Chemung-Tioga BOCES

Elmira City	Spencer Van Ertan
Elmira Heights	Watkins Glen
Horseheads	Waverly
Odessa-Montour	

1/25/05

Appendix D
Excerpts from the Standard Service Guide

BROOME-TIOGA BOCES

STANDARD SERVICE GUIDE

THE CENTER FOR EDUCATIONAL SUPPORT AND TECHNOLOGY

Participating Districts

Broome-Tioga BOCES

Binghamton
Chenango Forks
Chenango Valley
Deposit
Harpursville
Johnson City
Maine-Endwell
Newark Valley
Owego-Apalachin
Susquehanna Valley
Tioga
Union-Endicott
Vestal
Whitney Point
Windsor

Otsego-Northern Catskills BOCES

Andes
Charlotte Valley
Cherry Valley-Springfield
Cooperstown
Edmeston
Gilboa-Conesville
Hunter-Tannersville
Jefferson
Laurens
Margaretville
Milford
Morris
Oneonta
Roxbury
Schenevus
South Kortright
Stamford
Windham-Ashland-Jewett
Worcester

Delaware-Chenango BOCES

Afton
Bainbridge-Guilford
Delhi
Downsville
Franklin
Gilbertsville-Mt. Upton
Greene
Hancock
Norwich
Otselic Valley
Oxford
Sherburne-Earlville
Sidney
Unadilla Valley
Unatego
Walton

Information Technology Services

For more information, contact Stephen Smith, assistant director of Telecommunications Services, at 766-3737 or e-mail ssmith@btboces.org, or contact the individuals listed.

Telecom 5

Service No; 460-5875

All School Districts Participate.

This service provides a regional, cooperative, technical effort for a broad range of educational services and programs to students and educators. Telecom 5 provides a network to establish and operate integrated regional telecommunications to accommodate distance learning; staff development programs; access to regional, state, and world-wide networks; and voice and data communications.

It also provides coordination and submission of E-RATE applications for shared telecommunications services.

Contact: Stephen Smith, 766-3737

email: ssmith@btboces.org

Appendix E
Request for Authorization



435 Glenwood Rd., Binghamton, NY 13905-1699
(607) 763-3614 Fax: (607) 763-3204

To:

From: Steve Smith
Telecom 5 Project Coordinator

Date: October 12, 2004

Re: E-rate Letter of Authorization

Please be advised that Telecom 5 has been notified that the SLD's review of this year's consortium application is focusing on the authorization of the consortium leader to formally represent all consortium members. To police this requirement, Telecom 5 is being asked by Program Integrity Assurance to provide Letters of Agency to document membership.

Therefore, we are asking you to construct and fax a letter to us on your school district's letterhead giving authorization for Telecom 5 to submit the consortium application, with Broome-Tioga BOCES being the agency, to Thomas Communications for services rendered.

NOTE: If a consortium cannot produce the requested Letters of Agency, the SLD may reduce or fully deny funding for the entire application. It is vital that this letter be sent to us no later than noon on Wednesday October 20, 2004. You may fax to the number above or email to ssmith@btboces.org

If you have any questions regarding this letter, please contact me immediately at the above phone number.

Thank you.

A handwritten signature in black ink, appearing to read "Steve J. Smith".

Attached: E-rate Letter of Agency

S:\ERATE\correspondence\LOA.doc

The Center for Educational Support and Technology

TOTRL F

Date

Broome-Tioga BOCES E-rate Letter of Agency
For the year **2005-2006**

To: Steve Smith
Telecom 5 Project Coordinator
Broome-Tioga BOCES

This is to confirm our school district's participation in the Broome-Tioga BOCES E-rate Consortium for the procurement of Internet, Telecom, Telephone Interconnect, and Distance Learning. I hereby authorize [name of Consortium] to submit FCC Form 470, FCC Form 471, and other E-rate forms to the Schools and Library Division on behalf of the undersigned school district.

I understand that in submitting these forms on our behalf, you are making certifications for our school district. By signing this letter of agency, I make the following certifications:

- (a) I certify that the schools in our district are all schools under the statutory definitions of elementary and secondary schools found in the Elementary and Secondary Education Act of 1956, do not operate as for-profit businesses, and do not have endowments exceeding \$50 million.
- (b) I certify that the schools in our district have secured access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to make effective use of the services purchased as well as to pay the discounted charges for eligible services
- (c) I certify that the schools in our district are all covered, or will be covered at the time funded Services are provided, by E-rate approved technology plans (unless discounts are only being requested for basic local and long distance telephone service).
- (d) I certify that our school district is compliant, or will be compliant at the time funded services are provided, with the Children's Internet Protection Act (unless discounts are only being requested for telecommunications services.)
- (e) I certify that the services that our school district purchases using E-rate discounts (as described in the law 47 U.S.C. Sec. 254) will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.
- (f) I certify that the entities eligible for support that I am representing have complied with all applicable state and local laws regarding procurement of services for which support is being sought.
- (g) I certify that our school district has complied with all E-rate program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments.
- (h) I understand that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of the benefits from those services.
- (i) I certify that I am authorized to sign this letter of agency and, to the best of my knowledge, information, and belief, all information provided to Broome-Tioga BOCES for E-rate submission is true.

I understand that persons willfully make false statements on E-rate forms or through this letter of agency can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

District: _____

Signature: _____

Date: _____ 200__

Name: _____

Title: _____

Appendix F
Authorization Letter

HANCOCK CENTRAL SCHOOL

ADMINISTRATION
Terrance P. Dougherty, Superintendent
Michael Williams, 5-12 Principal
Carol A. Daddezio, K-4 Principal
Scott R. MacDowall, Business Manager

67 EDUCATION LANE
HANCOCK, NEW YORK 13783-1190
(607) 637-2511

BOARD OF EDUCATION
Terry Whitt, President
Linda K. O'Brien, Vice-President
Frank J. Brown
Maureen P. Hunt
Robert C. Wrighter, Sr.
Edward Brooking, Wayne Highlands Rep

October 19, 2004

To Whom It May Concern:

This is to confirm our school district's participation in the Broome-Tioga BOCES E-rate Consortium for the procurement of Internet, Telecom, Telephone Interconnect and Distance Learning. I hereby authorize Broome-Tioga BOCES to submit FCC form 470, FCC form 471, and other E-rate forms to the Schools and Library Division on behalf of the undersigned school district.

I understand that in submitting these forms on our behalf, you are making certifications for our school district. By signing this letter of agency, I make the following certifications:

- a) I certify that the schools in our district are all schools under the statutory definitions of elementary and secondary schools found in the Elementary and Secondary Education Act of 1956, do not operate as for-profit businesses, and do not have endowments exceeding \$50 million.
- b) I certify that the schools in our district have secured access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to make effective use of the services purchased as well as to pay the discounted charges for eligible services.
- c) I certify that the schools in our district are covered, or will be covered at the time funded services are provided, by E-rate approved technology plans (unless discounts are only being requested for basic local and long distance telephone service).
- d) I certify that our school district is compliant or will be compliant at the time funded services are provided, with the Children's Internet Protection Act (unless discounts are only being requested for telecommunications services).
- e) I certify that the services that our school district purchases using E-rate discounts (as described in the law 47 U.S.C Sec. 254) will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.

- f) I certify that the entities eligible for support that I am representing have complied with all applicable state and local laws regarding procurement of services for which support is being sought.
- g) I certify that our school district has complied with all E-rate program ideas and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments.
- h) I understand that the discount level used for shared services is conditional, for future Years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive and appropriate share of the benefits from those services.
- i) I certify that I am authorized to sign this letter of agency and, to the best of my knowledge, information, and belief all information provided to Broome-Tioga BOCES for E-rate submission is true.

I understand that persons willfully making false statements on E-rate forms or through this letter of agency can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. Secs. 502,503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

Signed:


Tim P. Dougherty

Superintendent of Schools

July 7, 2005

Broome-Tioga BOCES E-rate Letter of Agency
For the year 2006-2007

To: Steve Smith
Telecom 5 Project Coordinator
Broome-Tioga BOCES

This is to confirm our school district's participation in the Broome-Tioga BOCES E-rate Consortium for the procurement of Internet, Telecom, Telephone Interconnect and Distance Learning. I hereby authorize Broome-Tioga BOCES to submit FCC Form 470, FCC Form 471, and other E-rate forms to the Schools and Library Division on behalf of the undersigned school district.

I understand that in submitting these forms on our behalf, you are making certifications for our school district. By signing this letter of agency, I make the following certifications:

- (a) I certify that the schools in our district are all schools under the statutory definitions of elementary and secondary schools found in the Elementary and Secondary Education Act of 1956, do not operate as for-profit businesses, and do not have endowments exceeding \$50 million.
- (b) I certify that the schools in our district have secured access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to make effective use of the Services purchased as well as to pay the discounted charges for eligible services
- (c) I certify that the schools in our district are all covered, or will be covered at the time funded services are provided, by E-rate approved technology plans (unless discounts are only being requested for basic local and long distance telephone service).
- (d) I certify that our school district is compliant, or will be compliant at the time funded services are provided, with the Children's Internet Protection Act (unless discounts are only being requested for telecommunications services.)
- (e) I certify that the services that our school district purchases using E-rate discounts (as described in the law 47 U.S.C. Sec. 254) will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.
- (f) I certify that the entities eligible for support that I am representing have complied with all applicable state and local laws regarding procurement of services for which support is being sought.
- (g) I certify that our school district has complied with all E-rate program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments.
- (h) I understand that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of the benefits from those services.
- (i) I certify that I am authorized to sign this letter of agency and, to the best of my knowledge, information, and belief, all information provided to [name of Consortium] for E-rate submission is true.

I understand that persons willfully make false statements on E-rate forms or through this letter of agency can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

Signature: Terrance P. Doyle 7/26/2005
Name: Dr. Terrance P. Doyle
Title: Superintendent
School District: Hancock